

EXPENSES OF CONTESTS IN CONTESTED-ELECTION CASES.

JANUARY 19, 1897.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. JOHNSON, of Indiana, from the Committee on Elections, No. 2,
submitted the following

REPORT.

[To accompany H. R. 9274.]

The Committee on Elections, No. 2, to whom was referred House bill 9274, being a bill to amend an act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and eighty, and for other purposes, and to repeal a certain provision therein, beg leave to report that they do not find any act of Congress specifically providing for the payment of expenses of contests in contested-election cases for seats in the House.

It seems, however, to have been the custom of Congress for an indefinite number of years to appropriate money for such purposes.

No limitation appears to have been placed by law upon the amount to be appropriated in such cases until the passage of the act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1880, in which act the amount to be allowed was fixed at not to exceed the sum of \$2,000 to each party to an election contest.

The reason for the imposition of this limitation does not appear to have been stated at the time this appropriation act was pending in the House. The Congressional Record does not disclose that there was any discussion in the matter while the bill was being considered.

Your committee has therefore been left to conjecture as to the motives which induced the passage of this legislation.

They are of the opinion, however, after a careful consideration of the subject, that the existence of the limitation works, in many instances, a great hardship and wrong, not only to the parties to an election contest but also to their constituents.

As long as the expenses of a party to a contested-election case is less than \$2,000 it is apparent that no injustice need arise; but it has been the observation and experience of the committee that there are often contests waged in which each party thereto is necessarily obliged to expend, and actually does expend, more than that sum in order to make an efficient presentation of his cause to the House.

Under the provisions of the present law, however, the Committee on Elections can not properly allow, nor can the House, under its rules, readily appropriate, in such instances, for that portion of such expenditure as is in excess of \$2,000.

The effort to appropriate the full amount would be subject to a point

of order in the House as changing existing law, whereas the passage of an independent bill appropriating the money would, for obvious reasons, be laborious and difficult.

The committee believe that appropriations for expenses in election cases are made in the interests of the people rather than in the interests of the individual candidates, and that such appropriations are designed for, and in fact operate to secure, the freedom and fairness of elections and the representation of constituencies in the House by the person whom they have actually chosen as their representative.

This being the case, the committee believe that in each instance such an amount should be appropriated by Congress as is reasonably necessary to the attainment of this end. The hands of the House should not, therefore, be tied arbitrarily, as is done in the existing act, by the limitation of the amount to be allowed to \$2,000; but the Election Committee and the House itself should be left free to the exercise of its sound judgment and discrimination, according to the merits and necessities of each particular case, as to what amount should be appropriated.

With such enlarged powers no injustice need be done, either to the parties to an election contest or to their constituents; nor would any abuse result to the Government from the repeal of the limitation, since it is believed that the provisions contained in existing law as to filing by parties to election contests of detailed accounts of their expenses, accompanied by vouchers and sworn to by the parties themselves, as a prerequisite to the allowing of the same by the Election Committee, will prevent this. Besides, the fact that the whole matter is, after all, in every case in the entire control of the House, which possesses full power to accept, reject, or modify the amount allowed by its committee, is a sufficient guaranty that no wrong is likely to occur to the Government.

The committee are of the firm opinion, too, that no portion of the expenses clearly shown to have been actually and necessarily incurred should ever be taken out of the pockets of the parties to a contest, especially out of the pocket of the successful party, in which case the act would be equivalent to a corresponding reduction of his salary as a Representative.

Your committee submit that this reduction could not have been contemplated by the law, and that it is a hardship and injustice which ought not to be inflicted.

Your committee therefore recommend the passage of said bill.